

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DIANE DENMARK,

Plaintiff

v.

Civil Action No. 04-12261-DPW

LIBERTY MUTUAL ASSURANCE
COMPANY OF BOSTON, THE GENRAD,
INC. LONG TERM DISABILITY PLAN,
THROUGH TERADYNE, INC., AS
SUCCESSOR FIDUCIARY

Defendants

**JOINT MOTION TO EXTEND ALL REMAINING
DEADLINES BY 30 DAYS DUE TO SETTLEMENT DISCUSSIONS**

The parties in this matter jointly request that the Court extend by 30 days all remaining deadlines in this case, including but not limited to the deadline for Defendants to file their opposition to Plaintiff's motion for discovery, the deadline for Defendants to file an opposition to Plaintiff's motion to enlarge the date to complete discovery, the deadline for the parties to submit oppositions to motions regarding the applicable scope of judicial review, the deadlines for motions for summary judgment, the deadlines for oppositions and reply briefs relating to such motions for summary judgment, and the date of the status conference, which is currently scheduled for July 12, 2005 at 2:30 p.m.

In support of this motion, the parties state the following:

1. This case involves a denial of long-term disability benefits for Plaintiff under a group disability policy held by Plaintiff's employer. This claim is brought under the Employee Retirement Income Security Act ("ERISA").

2. The Court issued its Order on December 9, 2004, providing a schedule for litigation deadlines, including motions for summary judgment, and setting a status conference for the case.
3. Pursuant to that Order, Plaintiff has filed a motion relating to discovery in this case, and the parties have filed motions relating to the applicable scope of review in this case. The parties have not yet filed oppositions to these motions.
4. The parties now request an extension of time on all remaining deadlines because they are engaged in discussions to attempt to resolve this matter, which would obviate the need for further court proceedings. A brief 30 day extension of the current pre-trial schedule would conserve the time and resources of the parties while they attempt in earnest to resolve this matter without the need for further court proceedings.
5. The parties therefore jointly request the following revised pre-trial deadlines:

Deadline for Defendants to file their opposition to Plaintiff's motion for discovery	March 11, 2005
Deadline to complete discovery	As determined by the Court, if discovery is granted ¹
Deadline for Defendants to file an opposition to Plaintiff's motion to enlarge the date to complete discovery (see footnote 1)	March 18, 2005
Deadline for parties to file oppositions to motion regarding applicable scope of judicial review	March 21, 2005
Deadline for filing summary judgment motions, if any party determines that such a motion is appropriate	May 31, 2005

¹ Plaintiff has filed a motion to enlarge the deadline to complete discovery. Defendants do not believe that Plaintiff's motion to enlarge the date to complete discovery is necessary. Plaintiff previously filed a motion requesting specific discovery in this case and then moved to extend the discovery deadline because it was the same day as the deadline for Defendants to file their oppositions to Plaintiff's motion for discovery. While Defendants intend to file an opposition to that motion, should the Court grant any discovery in this case, Defendants will comply with any Court order relating to such discovery. Therefore, Defendants believe that there is no need to extend the discovery deadline beyond the deadline that Defendants' opposition will be due.

Deadline for filing oppositions to summary judgment motions June 30, 2005

Deadline for filing reply brief to any opposition to motions for summary judgment July 15, 2005

Status Conference August 12, 2005
2:30 p.m.

6. This motion is filed as a joint motion and, therefore, both parties assent to the allowance of this motion.

WHEREFORE, the parties respectfully request that this Court grant an extension of 30 days on all remaining deadlines because they are engaged in discussions to attempt to resolve this matter without the need for further motion practice or court proceedings.

Respectfully submitted,

DIANE DENMARK,
By her attorney,

LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON, THE GENRAD, INC. LONG TERM
DISABILITY PLAN, THROUGH TERADYNE,
INC., AS SUCCESSOR FIDUCIARY
By their attorney,

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Dated: February 8, 2005

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